

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:12 CR 00383 JCH
)	
STEPHEN B. EVANS.)	
)	
Defendant.)	

SECOND MOTION TO CONTINUE SENTENCING HEARING

COMES NOW Defendant Stephen B. Evans, by and through the undersigned counsel, and respectfully requests a continuance of Defendant's sentencing set in the above-referenced matter from its current setting on June 6, 2013 at 9:30 a.m., and for his motion states to the Court as follows:

1. Counsel for Defendant has been in communication with the government and the United States Probation Office in an attempt to resolve disputes related to certain aspects of the Presentence Investigation Report ("PSIR") prepared in this case. The United States Probation Office has outstanding document requests to individuals and entities that will contain information relevant to the central issue in dispute—the circumstances of the divorce of Mr. Evans from his former wife. These documents will not be available until after the June 6, 2013 hearing date in this matter. A continuance would allow the parties to review these documents and potentially resolve the disputed issues in the PSIR without the need for a sentencing hearing.

2. Counsel for Defendant has discussed this matter with the Assistant United States Attorney assigned to this matter, and he has no objection to this request for a continuance.

3. The ends of justice would best be served by this continuance, such continuance would outweigh the best interest of the public and the Defendant to a speedy trial, and Defendant has previously submitted a waiver of speedy trial in this matter.

4. Defendant respectfully requests, subject to this Court's schedule, that this matter be continued from the current setting on June 6, 2013. To allow for the appropriate amount of time to resolve the issues addressed above, Defendant requests the new date for the sentencing hearing date be set after July 8, 2013 to the extent possible.

WHEREFORE, Defendant moves for a continuance of the current sentencing hearing, to a date not before July 8, 2013 if possible.

Respectfully submitted,

JENSEN, BARTLETT & SCHELP, LLC

s/Matthew T. Schelp

MATTHEW T. SCHELP, #45724MO

222 S. Central Avenue, Suite 110

St. Louis, MO 63105

Telephone: (314) 725-3939

Facsimile: (314) 725-5595

E-Mail: MSchelp@jbslawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2013, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

s/ Matthew T. Schelp

MATTHEW T. SCHELP, #45724MO

Attorney for Defendant